

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

EDWARD KENNEDY,
Plaintiff-Appellant

v.

**EQUIFAX, INC., RICHARD F. SMITH, AMERICAN
BANKERS INSURANCE COMPANY OF FLORIDA,
BARBARA LOPEZ, STEVEN CRAIG LEMASTERS,**
Defendants-Appellees

2018-2204

Appeal from the United States District Court for the
Eastern District of Pennsylvania in No. 5:18-cv-00214-
JLS, Judge Jeffrey L. Schmehl.

ON MOTION

PER CURIAM.

O R D E R

Equifax, Inc. moves to dismiss this appeal for lack of
jurisdiction. Edward Kennedy responds to the motion.

Mr. Kennedy filed a complaint at the United States
District Court for the Eastern District of Pennsylvania

asserting a civil action under the Racketeer Influenced and Corrupt Organizations Act. Mr. Kennedy now appeals an order in that case granting two defendants an extension of time to respond to his first amended complaint.

This court is a court of limited jurisdiction. *See* 28 U.S.C. § 1295. With regard to appeals from federal district courts, this court only has jurisdiction in cases that arise under the patent laws or money-damages claims against the United States. *See* 28 U.S.C. § 1295(a)(1)–(2). Accordingly, this court does not have jurisdiction over this case.

Pursuant to 28 U.S.C. § 1631, we may transfer an appeal to a court that would have jurisdiction if the appeal had been brought in that court at the time it was filed. An appeal from the Eastern District of Pennsylvania typically would be brought in the United States Court of Appeals for the Third Circuit. The Third Circuit, however, only has jurisdiction over “final decisions” of district courts. *See* 28 U.S.C. § 1291. Because the district court has not yet entered a final judgment in the case, transfer to the Third Circuit is not appropriate here.

Accordingly,

IT IS ORDERED THAT:

- (1) The stay of the briefing schedule is lifted.
- (2) The motion is granted. The appeal is dismissed for lack of jurisdiction.
- (3) Each side to bear its own costs.

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FOR THE COURT

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court

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ISSUED AS A MANDATE: September 25, 2018